

1 MICHAEL A. JACOBS (CA SBN 111664)
MJacobs@mofo.com
2 ARTURO J. GONZÁLEZ (CA SBN 121490)
AGonzalez@mofo.com
3 MORRISON & FOERSTER LLP
425 Market Street
4 San Francisco, California 94105-2482
Telephone: 415.268.7000
5 Facsimile: 415.268.7522

6 KAREN L. DUNN (*Pro Hac Vice*)
kdunn@bsfllp.com
7 HAMISH P.M. HUME (*Pro Hac Vice*)
hhume@bsfllp.com
8 BOIES SCHILLER FLEXNER LLP
1401 New York Avenue, N.W.
9 Washington DC 20005
Telephone: 202.237.2727
10 Facsimile: 202.237.6131

11 WILLIAM CARMODY (*Pro Hac Vice*)
bcarmody@susmangodfrey.com
12 SHAWN RABIN (*Pro Hac Vice*)
srabin@SusmanGodfrey.com
13 SUSMAN GODFREY LLP
1301 Avenue of the Americas, 32nd Floor
14 New York, NY 10019-6023

15 Attorneys for Defendants
UBER TECHNOLOGIES, INC.
16 and OTTOMOTTO LLC

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 WAYMO LLC,
21 Plaintiff,
22 v.
23 UBER TECHNOLOGIES, INC.,
24 OTTOMOTTO LLC; OTTO TRUCKING LLC,
25 Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF THEIR
RESPONSE TO WAYMO'S PRECIS
LETTER REQUESTING PERMISSION
TO FILE MOTION FOR SUMMARY
JUDGMENT AND EXHIBITS
THERE TO**

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (“Defendants”) submit this motion for an order to file under seal portions of their Response to Waymo’s Precise Letter Requesting Permission to File Motion for Summary Judgment and Exhibits Thereto. Specifically, Defendants request an order granting leave to file under seal the confidential portions of the following documents:

Document	Portions to Be Filed Under Seal	Designating Party
Response to Waymo’s Precise Letter Requesting Permission to File Motion for Summary Judgment (“Response”)	Highlighted Portions	Green (Plaintiff)
Exhibits 1 - 9	Entirety	Plaintiff
Exhibit 10	Entirety	Defendants

The entirety of Exhibit 10 contains highly confidential concerning Uber’s costs and investments, including potential costs. This information has been maintained as confidential by Uber. Disclosure of this information would allow competitors of Uber to understand Uber’s expenditures and potential expenditures, such that competitors could tailor their costs and investment strategy and Uber’s competitive standing would be harmed. (Yang Decl. ¶ 3.)

The green-highlighted portions of the Response and the entirety of Exhibits 1 to 9 contain information that has been designated “Highly Confidential – Attorneys’ Eyes Only” by Waymo in accordance with the Patent Local Rule 2-2 Interim Model Protective Order (“Protective Order”), which the parties have agreed governs this case (Transcript of 3/16/2017 Hearing, page 6). Defendants file this material under seal in accordance with Paragraph 14.4 of the Protective Order. (Yang Decl. ¶ 4.)

Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the documents at issue, with accompanying chamber copies.

Defendants served Waymo with this Administrative Motion to File Documents Under Seal on August 24, 2017.

1 For the foregoing reasons, Defendants request that the Court enter the accompanying
2 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and
3 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –
4 ATTORNEYS' EYES ONLY."

5
6 Dated: August 24, 2017

MORRISON & FOERSTER LLP

7
8 By: /s/ Arturo J. González
ARTURO J. GONZÁLEZ

9 Attorneys for Defendants
10 UBER TECHNOLOGIES, INC. and
11 OTTOMOTTO LLC
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28